

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff

v

Civil Action No 01-294-ERIE

ALLEN M COOK AND
JANINE M COOK,

Defendants

MOTION TO VACATE DEFAULT JUDGMENT

AND NOW, comes Plaintiff, the United States of America, by and through its counsel, Mary Beth Buchanan, United States Attorney in and for the Western District of Pennsylvania and the Bernstein Law Firm, P.C., private counsel to the United States of America, and files its Motion to Vacate Default Judgment, as follows:

1. Plaintiff, United States of America, is a sovereign corporation and is hereinafter referred to as "Plaintiff".
2. Defendants are adult individuals whose last known addresses are 4105 Station Road, North East, PA 16428 as to Defendant Janine M. Cook and 11269 Miller Drive, North East, PA 16428 as to Defendant Allen M. Cook.
3. The instant action was instituted by the filing of a Complaint in Mortgage Foreclosure on September 5, 2001 on the subject premises located at 11269 Miller Drive, North East, PA 16428.

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4. The United States Marshal's Office made personal service of the complaint on Defendant Janine M. Cook on December 19, 2001. Plaintiff served Defendant, Allen M. Cook, by regular mail and by posting the premises per and Order of Court dated June 14, 2002 through the United States Marshal's Service on or before July 18, 2002
- 5 Plaintiff subsequently entered a Default Judgment against Defendant Janine M. Cook on February 25, 2002 and Defendant Allen M. Cook on September 16, 2002, for their failure to respond to Plaintiff's Complaint in Mortgage Foreclosure.
- 6 Since then, the Defendants have cured their mortgage arrears.

WHEREFORE, Plaintiff, the United States of America, requests that this Honorable Court enter an Order vacating the Default Judgment against the Defendants and permitting Plaintiff to discontinue the action without prejudice to refile in the event of any future defaults.

Respectfully submitted,

UNITED STATES OF AMERICA
MARY BETH BUCHANAN
UNITED STATES ATTORNEY
WESTERN DISTRICT OF PENNSYLVANIA

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